



Denise J. Herrera
City Attorney

MEMORANDUM

TO: ALL ELECTED-CITY OFFICIALS
ALL CITY BOARD AND COMMISSION MEMBERS
ALL CITY DEPARTMENT HEADS

FROM: DENISE J. HERRERA, City Attorney

DATE: October 1, 2019

RE: Political Activity by City Officers and Employees

As we typically do every election year, the City Attorney's Office is providing this memorandum to remind you of and outline the basic legal rules restricting political activities by City commissioners, departmental officers, and employees. Please note that this memorandum updates and replaces previous memoranda that we have issued on this topic. A further overview of political activity restrictions and other laws governing the conduct of City officers and employees is available in the Good Government Guide posted on the Good Government section of our website at www.cityattorney.org.

This memorandum is a general guide to the rules regarding political activity and is not a substitute for legal advice. Please consult the City Attorney's Office in advance with any questions related to participation in political activities.

SUMMARY

In this memorandum we address the most common legal issues that usually arise before elections. In this summary, we answer frequently asked questions in six areas:

1. Use of City Resources: No one—including City officers and employees and City volunteers and contractors—may use City resources to advocate for or against candidates or ballot measures. City resources include, without limitation, City employees' work time, City computers, City e-mail systems and City-owned or controlled property. Also, City commissions, departments, and advisory committees may not advocate for or endorse measures or candidates. But they may use City resources to analyze and provide information about the effects of proposed ballot measures on City operations, as long as the analysis is objective and avoids campaign slogans and other language typically associated with campaign literature.

2. Off-Duty Political Activity: As a general rule, City officers and employees may support or oppose candidates and ballot measures in their personal capacities, while off duty and outside of City-owned or controlled property. City officers and employees may reference their City titles in campaign materials so long as it is clear that they are using the titles only for identification purposes. For example, the City Attorney's Office recommends that City officers and employees include in printed campaign materials an explicit notation stating that any reference to their City titles are "for identification purposes only." But City officers and employees may not solicit political contributions from other City officers and employees, even while off duty.